

AMENDMENTS TO THE CLAIMS:

This listing of claims will replace all prior versions, and listings of claims in the application:

LISTING OF CLAIMS:

1.(original) Non-competitive immunoassay for a small analyte comprising reacting a sample containing said analyte with a reagent pair comprising a first binding partner that binds to said analyte, and a second binding partner that binds to the complex of said analyte and said first binding partner, wherein said second binding partner is obtained from a display recombinant binding partner library by selecting a binding partner that binds to said complex of the analyte and first binding partner, and determining the binding of the second binding partner, thus indicating the presence of the analyte in the sample.

2.(original) The assay of claim 1, wherein the first and second binding partners are selected from antibody fragments Fab and scFv.

3.(currently amended) The assay of claim 1 [[or 2]], which assay is a homogeneous assay.

4.(original) The assay of claim 3, which assay is based on fluorescence resonance energy transfer (FRET).

5.(currently amended) The assay of ~~any of the preceding claims~~ claim 1, wherein the analyte is a drug of abuse.

6.(original) The assay of claim 5, wherein the analyte is morphine, tetrahydrocannabinol (THC) or amphetamine.

7.(original) Reagent pair for a non-competitive immunoassay for a small analyte, comprising a first binding partner that binds to said analyte, and a second binding partner that binds to the complex of said analyte and said first binding partner, wherein said second binding partner is obtained from a display recombinant binding partner library by selecting a binding partner that binds to said complex of the analyte and first binding partner.

8.(original) Test kit for a non-competitive immunoassay for a small analyte, said kit comprising a reagent pair comprising a first binding partner that binds to said analyte, and a second binding partner that binds to the complex of said analyte and said first binding partner, wherein said second binding partner is obtained from a display recombinant binding partner library by selecting a binding partner that binds to said complex of the analyte and first binding partner.

9.(original) The test kit of claim 8, wherein the first and second binding partners are selected from antibody fragments Fab and scFv.

10.(currently amended) The test kit of claim 8[[ or 9]], comprising reagents for a homogeneous assay.

11.(original) The test kit of claim 10, comprising reagents for a fluorescence resonance energy transfer (FRET) based assay.

12.(currently amended) The test kit of ~~any of claims 8 to 11~~ claim 8, comprising reagents for as- saying a drug of abuse.

13.(original) The test kit of claim 12, comprising multiple reagent pairs for as- saying multiple drugs of abuse.

14.(currently amended) The test kit of ~~any of claims 8 to 13~~  
claim 8, comprising reagents for assaying morphine,  
tetrahydrocannabinol (THC) or amphetamine.

15.(original) The test kit of claim 14, comprising one or more  
reagents from the group consisting of the ligand-binding portion  
of M1 Fab comprising SEQ ID NO 1 and SEQ ID NO 2; M2 Fab  
comprising SEQ ID NO 3 and SEQ ID NO 4; and K11 scFv comprising  
SEQ ID NO 5.

16.(original) The test kit of claim 15, wherein said ligand  
binding portion is formed by amino acids no. 3 to 108 of SEQ ID  
NO 1 and amino acids no. 4 to 123 of SEQ ID NO 2; or of amino  
acids no. 3 to 108 of SEQ ID NO 3 and of amino acids no. 4 to 123  
of SEQ ID NO 4; or of amino acids no. 3 to 120 and no. 140 to 246  
of SEQ ID NO 5.

17.(currently amended) ~~Use of a~~ A reagent pair comprising a first  
binding partner that binds to an analyte, and a second binding  
partner that binds to the complex of said analyte and said first  
binding partner, in a non-competitive immunoassay for a small  
analyte, whereby the second binding partner is obtained from a  
display recombinant binding partner library by selecting a  
binding partner that binds to said complex of the analyte and  
first binding partner.

18.(original) Process for preparing a reagent pair for a non-  
competitive immunoassay for a small analyte, comprising providing  
a first binding partner that binds to said analyte, and a second  
binding partner that binds to the complex of said analyte and  
said first binding partner, wherein said second binding partner  
is obtained from a display recombinant binding partner library by

selecting a binding partner that binds to said complex of the analyte and first binding partner.

19.(original) The process of claim 18, wherein recombinant antibody fragments are prepared from a phage display library.

20.(currently amended) The process of claim 18 [[or 19]], wherein the first binding partner is also obtained from a display recombinant binding partner library.

21.(original) Recombinant binding protein, comprising the ligand-binding portion of M1 Fab comprising SEQ ID NO 1 and SEQ ID NO 2 ; M2 Fab comprising SEQ ID NO 3 and SEQ ID NO 4; or K11 scFv comprising SEQ ID NO 5.

22.(original) The recombinant binding protein of claim 21, wherein said ligand binding portion of said protein is formed by amino acids no. 3 to 108 of SEQ ID NO 1 and amino acids no. 4 to 123 of SEQ ID NO 2; or of amino acids no. 3 to 108 of SEQ ID NO 3 and of amino acids no. 4 to 123 of SEQ ID NO 4; or of amino acids no. 3 to 120 and no. 140 to 246 of SEQ ID NO 5.

23.(original) The recombinant binding protein of claim 21, which protein has the amino acid sequence SEQ ID NO 1 and SEQ ID NO 2 ; SEQ ID NO 3 and SEQ ID NO 4; or SEQ ID NO 5.

24.(currently amended) DNA, which encodes a recombinant binding protein of claim 21,~~22 or 23~~.

25.(currently amended) Host cell, which expresses a recombinant binding protein of claim 21,~~22 or 23~~.